

REMARKS

The applicants again thank the examiner for his review of the prior art and analysis of the pending claims.

In summary, the most recent office action rejected the pending claims on two grounds:

- 1) Nonstatutory double patenting in view of commonly owned US 6,650,327 ("Airey"), and
- 2) As being obvious in view of US 6,115,047 ("Deering"), US 5,440,682 ("Deering-682"), US 5,307,450 ("Grossman"), and US 6,567,083 ("Baum").¹

The applicants address both grounds immediately below.

Double Patenting

To overcome this rejection, the applicants are submitting a terminal disclaimer. This submission, however, is intended to simplify prosecution and thus, should not be construed as the applicants' agreement with this rejection.

Obviousness Rejections

As noted above, the office action rejected the claims as being obvious in view of Deering, Deering-682, Grossman, and Baum. Applicants wish to point out, however, that Baum is not appropriate prior art and should be disqualified.

Both this patent application (U.S. 09/614,363) and Baum were, at the time the invention of this application was made, owned by Silicon Graphics, Inc. of Mountain View, California. See 35 USC 103(c)1. Although not necessary to submit, the applicants are attaching a copy of the assignment records of the U.S. Patent and Trademark Office showing this common ownership. Baum therefore could not be used

¹ Although page 10 of the office action does not include Grossman in the rejection, prior and subsequent text appear to rely on such reference in making the rejections.

to reject the claims as being obvious even if, arguendo, it did qualify as prior art under 35 USC 102(e), 102(f), or 102(g).

Without Baum, the office action does not present a prima facie case of obviousness, thus obviating this rejection. It should be noted that this statement under 103(c)1 is intended to simplify prosecution and, consequently, should not be construed as the applicants' agreement with this rejection.

The applicants therefore request issuance of a notice of allowance. The further expedite prosecution, the applicants request that the examiner call Steven Saunders at 617-443-9292 if he has any further questions.

Applicants petition for a three month extension of time, and request charging of this fee to deposit account number 19-4972. In the event that further fees are required, please charge deposit account number 19-4972.

Respectfully submitted,

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02839/00115 712011.1



United States Patent and Trademark Office

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Patent Assignment Abstract of Title

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Total Assignments: 2

Patent #: [6567083](#) Issue Dt: 05/20/2003 Application #: 08937793 Filing Dt: 09/23/1997

Inventors: DANIEL R. BAUM, PATRICK M. HANRAHAN, MATTHEW M. PHARR

Title: METHOD, SYSTEM, AND COMPUTER PROGRAM PRODUCT FOR PROVIDING ILLUMINATION IN COMPUTER GRAPHICS SHADING AND ANIMATION

Assignment: 1

Reel/Frame: 008825/0640

Recorded: 09/25/1997

Pages: 2

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

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Exec Dt: 09/19/1997

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Exec Dt: 09/19/1997

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Exec Dt: 09/19/1997

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Assignment: 2

Reel/Frame: 013285/0563

Recorded: 09/16/2002

Pages: 14

Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

Assignor: [SILICON GRAPHICS, INC.](#)

Exec Dt: 09/28/2001

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Web Interface last modified: April 20, 2007 v.2.0.1

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